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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,402	08/21/2003	Vijay B. Alone	JP920020130US1	7744
25299	7590	03/09/2006	EXAMINER	
IBM CORPORATION PO BOX 12195 DEPT YXSA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			NGUYEN, DAVID Q	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/645,402

Applicant(s)

ALONE ET AL.

Examiner

David Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 6-18, 22-27 and 31-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 19-21, 28-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 12/27/05 have been fully considered but they are not persuasive.

Applicant's election with traverse of group I, claims 1-5, 19-21 and 28-30 in the reply filed on 12/27/05 is acknowledged. The traversal is on the ground(s) that "Concerning the first requirement, the present specification draws a distinction between two embodiments of the invention, and clearly discloses that the inventions (as defined by the claims) for each of the two embodiments can be used together... It is submitted that the inventions related to the first embodiment can be used together, while the inventions related to the second embodiment can also be used together. While applicants' attorney believes that all of the inventions have been disclosed as being used together and thus fail to meet the test of the first requirement, it is agreed that there may be questions about the applicability of the second requirement with respect to certain groupings". This is not found persuasive because inventions I, II, III, IV, V, VII and VIII are unrelated. They are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects. Each invention is required a different search in a different classification.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 19-21 and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Park (US 2003/0158922 A1).

Regarding claim 1, Park discloses an apparatus comprising a radio which makes a wireless communications via a predetermined access point (see abstract); a non-volatile storage device which stores an identification information of a network connection and an information which indicates that an access point for connection to the network is a hidden access point where the hidden access point has not issued the identification information (see abstract; fig. 4, pars. 0032-0049), and a connection confirmation unit which confirms the connection by attempting an actual connection to the hidden access point after accessing the information from said non-volatile storage device (see abstract; fig. 4, pars. 0032-0049).

Regarding claim 2, Park also discloses identification information acquiring unit which acquires the predetermined identification information by scanning the identification information for designating a connection partner (see abstract; fig. 4, pars. 0032-0049); and connection executing unit which executes the connection to one of a plurality of access points of the network having the predetermined identification information acquired by said identification information

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acquiring unit and the access point to which the connection is confirmed by said connection confirmation unit (see abstract; fig. 4, pars. 0032-0049).

Regarding claim 3, Park also discloses radio control unit which stops a transmitting and receiving radio when the identification information stored in said non-volatile storage device is not acquired by said identification information acquiring unit and the connection confirmation for the identification information stored in said non-volatile storage device is not made by said connection confirmation unit (see abstract; fig. 4, pars. 0032-0049).

Regarding claim 4, Park also discloses wherein said non-volatile storage device stores the identification information of the network appended with an order of priority for the connection (see abstract; fig. 4, pars. 0032-0049).

Regarding claim 5, Park also discloses wherein said non-volatile storage device stores the information indicating the access point having issued a network name in association with the identification information of the network (see abstract; fig. 4, pars. 0032-0049).

Regarding claim 19, Park discloses a method comprising the steps of: connecting to a predetermined wireless network through a connection point (see abstract; fig. 4, pars. 0032-0049); acquiring information indicating that an access point for connecting to the wireless network is a hidden access point where an identification information for a connection list table storing the identification information of the wireless network for use by an apparatus to connect to the wireless network is not present (see abstract; fig. 4, pars. 0032-0049), and confirming the connection to the wireless network by attempting an actual connection to the hidden access point (see abstract; fig. 4, pars. 0032-0049).

Regarding claims 20-21, Park also discloses retrieving a predetermined access point by scanning the identification information, and executing the communications via one of a group consisting of a retrieved access point and the hidden access point to which the connection is confirmed on the basis of the information stored in the connection list table (see abstract; fig. 4, pars. 0032-0049); stopping a wireless transmitting and receiving radio when the connection to the wireless network having the information stored in the connection list table is not possible (see abstract; fig. 4, pars. 0032-0049).

Regarding claims 28, Park discloses a program product comprising a computer usable medium having computer readable program code embodied therein for use with a computer, the computer readable program code in said program product implementing functions effective to: make wireless communications for connecting to a predetermined wireless network (see abstract; fig. 4, pars. 0032-0049), acquire an information indicating that an access point for connection to the wireless network is a hidden access point where an identification information from a connection list table storing the identification information of a wireless network is not present (see abstract; fig. 4, pars. 0032-0049), and confirm the connection to the wireless network by attempting an actual connection to the hidden access point (see abstract; fig. 4, pars. 0032-0049).

Regarding claims 29-30, Park also discloses cause the computer apparatus to implement a function of retrieving a predetermined access point by scanning the identification information (see abstract; fig. 4, pars. 0032-0049); and execute the communications via one of a group consisting of a retrieved access point and the hidden access point to which the connection is confirmed on the basis of the information stored in the connection list table (see abstract; fig. 4, pars. 0032-0049); cause the computer apparatus to implement a function of stopping a

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transmitting and receiving radio when the connection to the wireless network having the information stored in said connection list table is not possible (see abstract; fig. 4, pars. 0032-0049).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Choi (US 6,967,944) teaches increasing link capacity via concurrent transmissions in centralized wireless LANS.

Wentink (US 2004/0147249) teaches embedding class of service information in MAC control frames.

Bridgelall (US 2002/0085516 A1) teaches automatic and seamless vertical roaming between wireless local area network (WLAN) and wireless wide area network (WWAN) while maintaining an active voice or streaming data connection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*DN*

David Nguyen

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER